IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.2093 OF 2002

Virendrakumar Bhimlal Rajput.....Petitioners

Versus

A.Sreekumar, Enquiry Officer...
& Manager, Departmental
Enquiries, Fertilizers &
Chemicals Travancore Ltd. & Ors...Respondents

Mr. Rupesh Nalawade, for the Petitioner
Mr. M.D. Londe i/b. Sanjay Udeshi for respondent No.4.

CORAM: F.I. REBELLO &
DR. D.Y.CHANDRACHUD, JJ.
DATE : 24th January,2006

P.C.:

. The petitioner was appointed and promoted against a post reserved for S.T. He claimed as belonging to Lodh, a notified S.T. of Utter Pradesh. The finding recorded is that the community named Lodh is not notified as S.T. and consequently the petitioner could not have been appointed or promoted on the post against which he was appointed and promoted. In the enquiry conducted the findings are against the petitioner that he does not belong to a notified S.T. It is pursuant to that the petitioner was removed from service. Appeal was preferred. That Appeal was dismissed. The petitioner challenged that order before this Court.

2. We have considered the Presidential Notification, both for S.T. and S.C. We do not find Lodh as a notified caste or tribe in the Notification issued by the President under

Article 341 and 342 of the Constitution of India. As the petitioner was appointed against a reserved post to which he could not have been appointed the punishment imposed cannot be said to be arbitrary or disproportionate considering the Judgements of the Apex Court. In the light of that no interference called for. Petition rejected.

(F.I.REBELLO, J.)

(DR. D.Y.CHANDRACHUD, J.)